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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree et al.

Serial No.: 10/679,667

Group No.: 3732

Filed: Oct. 6, 2003

Examiner: A. Reimers

For: MULTIAXIAL ARTIFICIAL DISC REPLACEMENTS

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data which is:

- () incorrectly entered
and/or
(X) omitted

Error in

Correct data

- | | | | |
|-----|------------------------|----|---|
| (X) | Applicant's name | 1. | Timothy Ferree
(see attached copies) |
| () | Applicant's address | 2. | |
| () | Title | 3. | |
| () | Filing date | 4. | |
| () | Serial number | 5. | |
| () | Attorney Docket No. | 6. | |
| () | Domestic Priority Data | 7. | |
| () | Power of Attorney | 8. | |

3. (Complete the following applicable item A or B)

A. (X) The correction(s) is/are not due to any error by Applicant and no fee is due.


OR

B. () At least one of the above corrections is due to Applicant's error.

If there are any fees associated with this making these corrections, the Assistant Commissioner of Patents is hereby authorized to charge deposit account no. 07-1180 for such fee.

Reg. No.: 37,424

Tel. No.: (734) 913-9300



Signature of Attorney

John G. Posa

Gifford, Krass, Sprinkle, Anderson
& Citkowski, P.C.

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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: February 14, 2008



Sheryl Hammer

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/679,667	10/06/2003	3738	450	BAF-15102/29	5	15	1

John G. Posa
 Gifford, Krass, Groh, Sprinkle,
 Anderson & Citkowski, P.C.
 280 N. Old Woodward Ave., Suite 400
 Birmingham, MI 48009-5394



CONFIRMATION NO. 4076

UPDATED FILING RECEIPT



OC000000011968609

Date Mailed: 02/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bret A. Ferree, Cincinnati, OH;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/416,181 10/04/2002

Foreign Applications

If Required, Foreign Filing License Granted: 12/30/2003

Projected Publication Date: 06/03/2004

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Multiaxial artificial disc replacements

Preliminary Class

RECEIVED
 FEB 27 2004

GIFFORD, KRASS, GROH, SPRINKLE,
 ANDERSON & CITKOWSKI, P.C.

✓

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

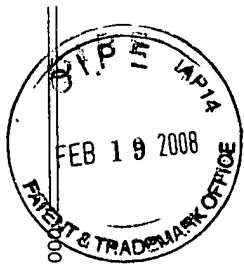
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NOT GRANTED

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COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree et al

Serial No.: 10/679,667

Group No.: 3738

Filed: Oct. 6, 2003

Examiner:

For: MULTIAXIAL ARTIFICIAL DISC REPLACEMENTS

TRANSMITTAL OF REPLACEMENT DECLARATION/OATH

Mail Stop MISSING PARTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application (PTO-1533) mailed December 30, 2003, Applicant submitted a Declaration/Oath with the required \$65 surcharge on January 12, 2004. However, that Declaration/Oath was missing the name, address and signature of co-inventor, Timothy L. Ferree. The original Declaration/Oath, which was filed with the application without signatures on October 6, 2003, listed both inventors. Enclosed herewith is a substitute Declaration/Oath complete with both inventor's information and signatures. Also enclosed herewith is the original Application Data Sheet listing both inventors.

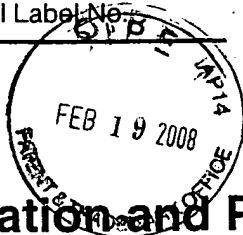
Since Applicant previously paid the \$65 small entity surcharge in January 2004, enclosed is a one-month extension fee of \$55.00. Applicant believes no other fees are due at this time. However, if any additional fees or charges are necessary, please charge them to our Deposit Account No. 07-1180.

Respectfully submitted,

By: _____

John G. Posa
Reg. No. 37424
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, PC
280 N. Old Woodward Ave., Ste 400
Birmingham, MI 48009
(734) 913-9300 FAX (734) 913-6007

Date: March 26, 2004



Docket No.
BAF-15102/29

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MULTIAXIAL ARTIFICIAL DISC REPLACEMENTS

the specification of which

(check one)

☒ is attached hereto.

☒ was filed on October 6, 2003 as United States Application No. or PCT International Application Number 10/679,667 and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/416,181

(Application Serial No.)

October 4, 2002

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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Irvin L. Groh (Reg. No. 17,505)

Beverly M. Bunting (Reg. No. 36,072)

Douglas W. Sprinkle (Reg. No. 37,394)

Julle K. Staple (Reg. No. 50,434)

Thomas E. Anderson (Reg. No. 31,318)

Lionel D. Anderson (Reg. No. 50,571)

Ronald W. Cltkowski (Reg. No. 31,005)

Judith M. Riley (Reg. No. 31,561)

Douglas J. McEvoy (Reg. No. 34,385)

Ellen S. Cogen (Reg. No. 38,109)

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John G. Posa (734) 913-9300

Full name of sole or first inventor	
Bret A. Ferree	
Sole or first inventor's signature	Date 3/8/04
Residence	
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Citizenship	
US	
Post Office Address	
1238 Cliff Lane Dr.	
Cincinnati, Ohio 45208	

Full name of second inventor, if any	
Timothy L. Ferree	
Second inventor's signature	Date 3-20-04
Residence	
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Citizenship	
U.S.	
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Piqua, Ohio 45356	



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State or Prov. of Residence::	Ohio
Country of Residence::	U.S.
Citizenship Country::	U.S.
Inventor Two Given Name::	Timothy L.
Family Name::	Ferree
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State or Prov. of Residence::	Ohio
Country of Residence::	U.S.
Citizenship Country::	U.S.

CORRESPONDENCE INFORMATION

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City::	Birmingham
State or Province::	MI
Postal or Zip Code::	48009-5394
Telephone::	(734) 913-9300
Fax::	(734) 913-6007
Electronic Mail::	

APPLICATION INFORMATION

Title Line One::	MULTIAXIAL ARTIFICIAL DISC
Title Line Two::	REPLACEMENTS
Total Drawing Sheets::	5
Formal Drawings?::	No
Application Type::	Utility

Docket Number::

BAF-15102/29

REPRESENTATIVE INFORMATION

Representative Customer Number::

025006

PRIORITY INFORMATION

This is a: Non-provisional of prov.:

60/416,181

Filing Date:

October 4, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/679,667	10/06/2003	3738	385	BAF-15102/29	5	15	1

John G. Posa
 Gifford, Krass, Groh, Sprinkle,
 Anderson & Citkowski, P.C.
 280 N. Old Woodward Ave., Suite 400
 Birmingham, MI 48009-5394



CONFIRMATION NO. 4076

FILING RECEIPT



OC000000011587005

Date Mailed: 12/30/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Bret A. Ferree, Cincinnati, OH;
 Timothy L. Ferree, Piqua, OH;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/416,181 10/04/2002

Foreign Applications

If Required, Foreign Filing License Granted: 12/30/2003

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Multiaxial artificial disc replacements

RECEIVED
JAN 02 2004
 GIFFORD, KRASS, GROH, SPRINKLE,
 ANDERSON & CITKOWSKI, P.C.

Preliminary Class

623

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Title 35, United States Code, Section 184
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